

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN CRAIN,) Case No.: 2:10-cv-01263-GMN-PAL
Plaintiff,)
vs.) **ORDER**
RONALD N. TUTOR,)
Defendant.)

Before the Court for consideration is the Report and Recommendation (ECF No. 3) of the Honorable Peggy A. Leen, United States Magistrate Judge, entered October 27, 2010. A timely Objection was filed by Plaintiff Steven Crain (“Plaintiff”) on November 2, 2010. The Court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and Local Rule IB 1-4, and has determined that Magistrate Judge Leen’s Recommendation should be ACCEPTED in full.

Plaintiff is asking this Court to do something that is not within its jurisdictional power to do: he is petitioning the Court to reverse the Nevada Supreme Court’s denial of Plaintiff’s Petition for Rehearing. *See Dubinka v. Judges of Superior Court of State of Cal. for County of Los Angeles*, 23 F.3d 218, 221 (9th Cir. 1994) (explaining that “[f]ederal district courts may exercise only original jurisdiction; they may not exercise appellate jurisdiction over state court decisions”). The Supreme Court of the United States is the only federal court that may review the decision of the Nevada Supreme Court, but its appellate jurisdiction is discretionary and will only be exercised when a case presents a federal question. *See* 28 U.S.C. § 1257(a).

1 **IT IS THEREFORE ORDERED** that Magistrate Judge Leen's Recommendation
2 (ECF No. 3) is **ACCEPTED**, and Plaintiff's Complaint is **DISMISSED**.

3 DATED this 5th day of January, 2011.

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6 Gloria M. Navarro
7 United States District Judge
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